

REMARKS

Claims 1-11, 21-27 and 29-33 remain pending in this application. Claims 34-36 have been canceled without prejudice or disclaimer. Claims 1 and 24 have been amended to more clearly point out that the fibres on the combination of the flexible portion and at least one less flexible portion are wound around the combination. As noted in the specification, for example at page 6, lines 14-21 and page 8, at lines 19-22 and 28-30, winding the fibres around the whole of the flexible portion and at least one less flexible portion provides for reinforcement. Accordingly, no new matter has been introduced by these amendments.

Interview

Applicants acknowledge, with appreciation, the personal interview conducted on January 12, 2009, with Examiner Andrew Yang and Supervisory Examiner Eduardo C. Robert. At the interview, the applied prior art (Dickman and Stubstad) were discussed, particularly with respect to claims 1 and 35. It was pointed out that the prior art did not teach or suggest that fibres should be wound around the combination of the flexible portion and at least one less flexible portion such as in the manner illustrated in Figs 2 and 5 of the present application. The Examiners suggested that claim 1 be amended to more clearly define how the fibres are disposed around the implant that comprised the flexible portion and at least one less flexible portion.

Rejections: § 103

The final rejection mailed May 27, 2008, relied principally on the teachings of Dickman (U.S. Patent No. 7,066,960) and Stubstad et al. (U.S. Patent No. 3,867,728). Arguments distinguishing the claimed invention from these teachings were pointed out in the response filed August 26, 2008, which are incorporated herein by reference. It is

respectfully submitted that claim 1 as amended more clearly distinguishes over the cited prior art because neither Dickman or Stubstad et al. teaches or suggests winding fibres around the whole of the flexible portion and the at least one flexible portion.

Although Stubstad et al. does teach that a mesh of Dacron filament can be wound around the resilient core 15, the top and bottom elements 11 and 12 are provided with a fabric surface by folding a mesh layer on the surfaces and stitchings all elements of the prosthesis together (see, e.g., col. 7, lines 38 to col. 8, line 41). There is no suggestion of securing the elements of the prosthesis together by winding fibres around the prosthesis that comprises at least the flexible portion and at least one less flexible portion.

As previously argued, the prior art fails to teach or suggest several of the limitations of the dependent claims. For example, neither Dickman nor Stubstad et al. teach the limitation of claim 7 that requires the “flexible portion has swelling characteristics comparable to those of a natural intervertebral disc.” Neither Dickman nor Stubstad et al. teach the use of fibres that have a low elasticity modulus. In fact, the prior art teaches away from this feature because Dickman teaches (col. 8, lines 1-5) the use of fibres having a good tensile strength meaning they have a high modulus of elasticity.

Accordingly, prompt and favorable reconsideration of this application is respectfully requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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